

UNITED STATES DISTRICT COURT

for the

Western District of Texas**FILED**

October 29, 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

United States of America

v.

Felix Rodriguez-Vargas (1)

Edwin Pelayo (2)

Defendant(s)BY: ac
DEPUTY

Case No. SA-24-MJ -1498

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 28, 2024 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 933(a)(2) & (a)(3)

Trafficking in Firearms

Penalties: Up to 15 years imprisonment; a fine up to \$250,000, or both
such fine and imprisonment; mandatory \$100 special assessment; and,
maximum 3 years supervised release

This criminal complaint is based on these facts:

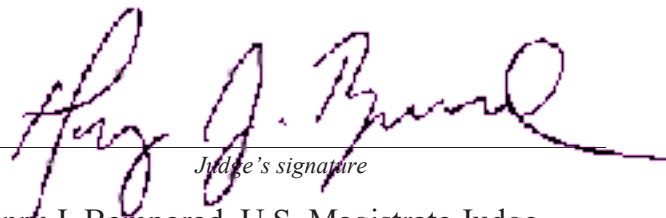
See Attached Affidavit

☒ Continued on the attached sheet.THOMAS E FALLON Digitally signed by THOMAS E FALLON
Date: 2024.10.29 09:02:41 -05'00'*Complainant's signature*

Thomas Fallon, Special Agent

Printed name and title

- ☐
- Sworn to before me and signed in my presence.
-
- ☒
- Sworn to telephonically and signed electronically.

Date: October 29, 2024City and state: San Antonio, Texas*Judge's signature*

Henry J. Bemporad, U.S. Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

I, Thomas Fallon, being first duly sworn, do depose and state the following:

I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI), and I have been so employed since April 2007. I am currently assigned to the Homeland Security Investigations (HSI) Special Agent in Charge (SAC) in San Antonio, Texas. I am a graduate of the Federal Law Enforcement Training Center and as a result of my training and experience as a Homeland Security Investigations Agent, my duties include (but are not limited to) the investigation and enforcement of Titles 8, 18, 19, 21, and 33 of the United States Code.

Beginning on September 24, 2024, your affiant instructed an HSI confidential informant (CI) to place an add on a website for the sale of an automatic machine gun that belonged to the HSI. The automatic machine gun is an M134 belt fed rifle that weighs approximately 100 pounds and is mounted on three-foot steel tripod. The automatic machine gun belongs to HSI and was manufactured outside the state of Texas and brought into Texas for the purpose of the sale. Your affiant asserts that based upon his experience international firearms traffickers utilize these websites to purchase illegal firearms.

On October 18, 2024, the CI received a phone call from a Hispanic male, who was later identified as Felix RODRIGUEZ-Vargas, inquiring about the automatic machine gun. From October 18, 2024, through October 28, 2024, your affiant monitored cellular phone calls to the CI, who was utilizing a consensual recorded line. During these calls, RODRIGUEZ-Vargas told the CI he and “his brother”, who was later identified as Edwin PELAYO, were interested in purchasing the automatic machine gun for \$100,000 in United States currency as long as they (RODRIGUEZ-Vargas and PELAYO) “can test it out”. RODRIGUEZ-Vargas told the CI that he (RODRIGUEZ-Vargas) had to travel to California to pick up \$30,000 from “his brother” (PELAYO).

During the negotiations for the firearms purchase, RODRIGUEZ-Vargas sent a video of bulk United States currency wrapped in clear vacuum sealed bags to the CI to prove he (RODRIGUEZ-Vargas) had the money.

Based upon this information, law enforcement personnel set up a surveillance operation on October 28, 2024, in San Antonio, Texas, in the Western District of Texas, where all of the following took place as described.


On that same day, RODRIGUEZ-Vargas informed the CI that he was riding with “his brother” (PELAYO) in a truck from Dallas to San Antonio to purchase the automatic machine gun. During this operation, the CI and an HSI undercover (UC) agreed to meet with RODRIGUEZ-Vargas and PELAYO at a Target parking lot in San Antonio, Texas to make sure they (RODRIGUEZ-Vargas and PELAYO) had the money prior to taking RODRIGUEZ-Vargas and PELAYO to the location of the automatic machine gun. At approximately 1430 hours, law enforcement personnel observed a black GMC pickup truck arrive at the Target parking lot occupied by PELAYO (driver) and RODRIGUEZ-Vargas (passenger) and law enforcement personnel observed made contact with the CI and an UC. During this meeting, RODRIGUEZ-Vargas and PELAYO showed the CI and UC a boot box with United States Currency bundled in \$10,000 bands. After this meeting, RODRIGUEZ-Vargas and PELAYO agreed to follow the CI and UC to a second location to inspect and purchase the automatic machine gun.

At approximately 1443 hours, RODRIGUEZ-Vargas and PELAYO arrived at the second location at the same time as the UC and CI. Law enforcement personnel observed RODRIGUEZ-Vargas and PELAYO depart the GMC pickup truck and follow the UC and CI to the rear of a U-Haul van, which was equipped with a covert audio/video recording device, where the automatic machine gun was located inside. Law enforcement personnel observed the CI and UC open the rear of the U-Haul van and RODRIGUEZ-Vargas went inside the U-Haul van with the CI to inspect the automatic machine gun while PELAYO and the UC watched. After RODRIGUEZ-Vargas tested the automatic machine gun, RODRIGUEZ-Vargas and PELAYO agreed to pay for the automatic machine gun. Law enforcement personnel observed PELAYO open the rear driver’s side door to give the UC and CI the money.

At this time, law enforcement personnel arrived in their government issued vehicles and took RODRIGUEZ-Vargas and PELAYO into custody. A search of RODRIGUEZ-Vargas and PELAYO revealed a loaded handgun in each of their waist bands. A search of the GMC Sierra revealed a loaded short barrel semiautomatic rifle in the passenger seat and an undetermined amount of United States bulk cash currency inside the boot box.

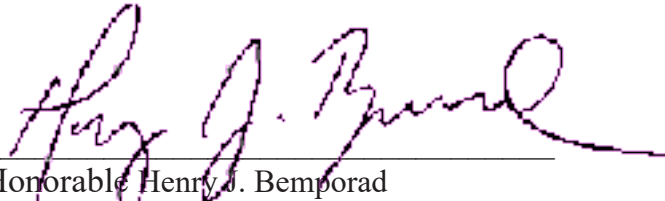
Based upon the above information, your affiant believes that probable cause exists to arrest ROGRIGUEZ-Vargas and PELAYO for violations of Title 18, United States Code, Section 933, that is, Trafficking firearms.

THOMAS E
FALLON

 Digitally signed by THOMAS E
FALLON
Date: 2024.10.29 09:03:22 -05'00'

Thomas Fallon
Special Agent
Homeland Security Investigations

Subscribed electronically and sworn telephonically on this 29th day of October 2024.



Honorable Henry J. Bemporad
UNITED STATES MAGISTRATE JUDGE